

### **REMARKS**

We acknowledge the Examiner's indication that claims 7-9, 11 and 12 would be allowable to overcome the §112 rejection and to include all limitations of the base claim and any intervening claims. We also acknowledged the Examiner's indication that claims 19-25 and 27 are allowed.

The Examiner rejected claims 30-32 under 35 U.S.C. §101 because the claimed invention was supposedly directed to non-statutory subject matter. According to the Examiner, "a computer readable medium" is interpreted to include "merely carrier waves." But that interpretation is not reasonable one. A person skilled in the art would not interpret computer readable medium to cover carrier waves because carrier waves do not perform the function of "storing instructions," as recited in the claims. Carrier waves might carry instructions but they do not store them.

The Examiner rejected claims 1-6, 13-17, 26, 28, and 33 under 35 U.S.C. §103(a) as being unpatentable over U.S. 6,760,720 to Chien et al. in view of U.S. 5,680,511 to Baker et al. The Examiner argues that Chien teaches a choice list and he also admits that Chien fails to teach a substantial amount of what is recited in the rest of the claim. More specifically, the Examiner admits that Chien fails to teach:

- during speech recognition, generating a list of close call records, wherein each record includes histories for each of two competing partial hypotheses;
- initializing the ~~close call~~ choice list from at least one output of the speech recognition system;
- selecting one of the close call records from the list of close call records;
- selecting a transcript from the choice list;
- determining whether one of the two histories for the selected record matches a partial subhistory of the transcript from the choice list;
- if one of the two histories for the selected close call record matches a partial subhistory of the transcript, substituting the other of the two histories for the partial subhistory of the transcript to generate an alternative version of the transcript

To supply that which is missing, the Examiner relies on Baker.

But contrary to what the Examiner appears to believe, we note that Baker falls far short of teaching what is missing from Chien. For example, Baker does not teach "a list of close call

records, wherein each record includes histories for each of two competing partial hypotheses,” as required by the claim.

In support of the Examiner’s assertion that Baker does teach that feature, he directs our attention to the following passage:

The choice list generator 14 couples to the data string memory 12 and generates a plurality of choice words 20. The system 10 offers the list of choice words 20, as possible substitutes for the current word 38 being analyzed by the system 10. Optionally, the choice list generator 14 generates for each choice word 20 an associated probability signal 32 that indicates the likelihood that the choice word 20 represents the current word 38 being recognized. (Col 9, lines 10+).

But we could find nothing in this passage (or anywhere else in the Baker patent) that refers to a records that includes histories for at least two competing partial hypotheses. Indeed, Baker never refers to a history anywhere within his disclosure.

The above passage simply refers to a probability that is associated with each choice word. That probability is generated by comparing the passage in which the current word is used with a sample passage in which the choice word is used and computing the probability based on how close the two usages appear to be.

We also note that the claim also recites “determining whether one of the two histories for the selected record matches a partial subhistory of the transcript from the choice list.” The Examiner directs our attention to the following passage within Baker as supposedly disclosing this feature:

The current word 38 being recognized can be transferred via the bus interface 48 to the processing unit 48. The processing unit 48 can, in one example, analyze the known information about the current word 38 to select choice words 20A-20E from the vocabulary memory 50. Continuing with the above example of an current word 38 having the letter string "ORSE," the choice list generator 14, can match the identified string with stored vocabulary words. The word 38 could, for example, be associated with any of the vocabulary words gorse, horse, norse, morse, or worse, stored in the vocabulary memory 50. Each of these five vocabulary words can be one of the respective choice words 20A-20E stored by the processor unit 48 in the choice list memory 18. (Col. 13, lines 18+).

But again we could find nothing in that paragraph that appears to be even remotely related to the claimed feature.

So for at least the reasons present above, we submit that claim 1 is allowable over the art that the Examiner has relied on to reject this claims.

We further note that claims 13, 15, 16, 30, and 33 also include a limitation similar to the limitation in claim 1 which reads: "wherein each record includes histories for each of two competing partial hypotheses." And for at least that reason, those claims also distinguish over the art relied upon by the Examiner to reject these claims.

With regard to claim 26, the Examiner again admits that Chien fails to teach certain recited features. More specifically the Examiner admits that Chien fails to teach:

comparing a set of first words from the first hypothesis and a set of first words from the complete utterance hypothesis; and,  
if a set of first words from the history of the first partial hypothesis matches a set of first words from the complete utterance hypothesis, substituting the history of the second partial hypothesis for the history of the first partial hypothesis within the complete utterance hypothesis.

To supply these missing features, the Examiner relies on Baker. For the first feature mentioned above, the Examiner directs our attention to the passage from Baker starting at column 13, line 18 (passage presented above in connection with discussion about claim 1). But nothing in that passage indicates that a set of first words from a first hypothesis is compared to a set of first words from a complete utterance. Rather, in Baker a partially recognized word ("ORSE") is compared to various complete words, e.g. "gorse," "horse," "norse," "morse," or "worse") that the partial word might be part of.

For the second feature mentioned above, the Examiner directs our attention to the following different passage from Baker:

Alternatively, the word recognition system 10 can select the choice word 20 with the highest probability signal 28 or rank signal 30 to substitute for the current word 38 currently being recognized. In a preferred yet optional embodiment, the data processor 26 stores a user-

selected probability threshold signal that represents a probability indicating sufficient confidence that the choice word 20 represents the current word 38 being recognized. The processor 26 can automatically select the choice word 20 having the highest probability signal 28 over the user-selected threshold. Alternatively, the processor 26 can display a menu of the choice words 20 to allow the user to select the choice word. (col. 17, lines 24+).

But again this passage does not describe anything that is even remotely similar to the function performed in the last step of claim 26. That is, Baker does not substitute a history of a second partial hypothesis for a history of an associated first partial hypothesis if a set of first words from the history of the first partial hypothesis matches a set of first words from a complete utterance. Rather, Baker simply decides what complete word a partially recognized word represents based upon which word among a choice list has a highest probability associated with it. The associated probabilities are determined by comparing the context of the current word with sample contexts for the choice words to decide which choice appears most likely to be used in the same way as the current word is being used.

So for at least the reasons present above, we submit that claim 26 is allowable over the art that the Examiner has relied on to reject this claims.

For the reasons stated above, we believe that all of the claims are in condition for allowance and therefore ask the Examiner to allow them to issue.

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Respectfully submitted,

Dated: August 14, 2007



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